



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 014-15

1118 E. CABRILLO BOULEVARD

COASTAL DEVELOPMENT PERMIT AND FRONT SETBACK MODIFICATION

AUGUST 20, 2015

APPLICATION OF JUSTIN VAN MULLEM, APPLICANT FOR CITY OF SANTA BARBARA, 1118 E. CABRILLO BLVD. (CABRILLO BATHHOUSE AND PAVILION), APNS 017-353-001 AND 017-383-001, PR/SD-3 (PARK AND RECREATION / COASTAL OVERLAY) ZONES, LOCAL COASTAL PLAN DESIGNATION: OPEN SPACE (MST2014-00248)

The project consists of improvements to the existing Cabrillo Bathhouse and Pavilion building, and surrounding area, to enhance public access and community use, address failing building systems, and meet current ADA requirements. The purpose of the project is to restore the historic Cabrillo Bathhouse and Pavilion building to a viable community recreation center that serves Santa Barbara residents and visitor and returns the building to its status as "the crown jewel of East Cabrillo Boulevard."

The project includes, but is not limited to: exterior repairs; new entry stairs; new site ramps and retaining walls; a new interior elevator; changes to the enclosed terrace; structural improvements; window and door changes; an interior remodel; new lighting; reconfiguration of the portico/promenade for improved accessibility; changes to the stoa (covered walkway); grading; landscaping, including the removal of 20 trees, the relocation of 33 trees, and the planting of 24 trees; a new equipment enclosure; an expanded trash enclosure; replacement of outdoor showers; parking lot improvements; and a new portable boardwalk connecting the promenade to the beach.

The discretionary applications required for this project are:

1. A Front Setback Modification to allow improvements within the required ten-foot front setback (SBMC § 28.92.110); and
2. A Coastal Development Permit (CDP2015-00004) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC § 28.44.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 3 people appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 13, 2015.
2. Site Plans.

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:

A. FRONT SETBACK MODIFICATION (SBMC §28.92.110.A.2)

The Modification to allow the trash enclosure and building entrance features to encroach up to 10 feet into the required 10-foot front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot and prevent unreasonable hardship because the site's existing development encroaches into the required setback and the proposed improvements would not substantially change the nature of the existing encroachments as discussed in Section VI.A.1 of the Staff Report.

B. PR ZONE FINDINGS (SBMC §28.37.025)

1. The proposed park and recreation improvements are appropriate and necessary for the benefit of the community and visitors because the project will enhance an existing important public recreational facility at East Beach.
2. The proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood because no substantial exterior changes are proposed. The exterior changes are intended to restore some historic elements to the building and improve accessibility, and have been reviewed and supported by the Historic Landmarks Commission. New lighting would be the minimum needed for evening use and safety purposes, would eliminate existing floodlights that currently extends onto the beach, and would be consistent with the City's Outdoor Lighting Ordinance so as to avoid light trespass.
3. The total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties because the building is located on large parcels without adjacent structures. Setbacks from the property line and street are existing and are an integral part of the fabric of this portion of Cabrillo Blvd. This building is a City Structure of Merit and represents an established and familiar visual feature of the neighborhood.
4. The intensity of park and recreation facilities are compatible with the scenic character of the City because the building is located on large parcels without adjacent structures and the use is not proposed to be intensified as part of the project. This building has a historic use, which contributes to its listing as a City Structure of Merit.
5. All proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. The building is an established and familiar visual feature of the neighborhood and is compatible with adjacent development across Cabrillo Blvd. The project has been reviewed by the Historic Landmarks Commission to ensure any alterations are also compatible and in keeping with the building's historic designation.

C. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it will improve public access and will not result in adverse impacts associated with visual resources or environmentally sensitive habitat, as described in Sections VI.B and C of the Staff Report.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because it will restore an important public recreational facility, thereby improving public access and recreation and benefiting visitor-serving and ocean-dependent uses; and does not result in impacts associated with water or marine environments, hazards, protection of visual quality, as described in Section VI.B of the Staff Report.

II. Said approval is subject to the following conditions:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Obtain all required design review approvals.
2. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
3. Prepare and execute any required documents (see Written Conditions Document section below).
4. Permits.
 - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
 - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Written Conditions Document.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 20, 2015 is limited to improvements to the existing Cabrillo Bathhouse and Pavilion building and surrounding area to enhance public access and community use, address failing building systems, meet current ADA requirements and maintain lower cost public amenities, services and experiences. The project includes, but is not limited to, exterior repairs, new entry stairs, new site ramps and retaining walls, a new interior elevator, changes to the enclosed terrace, structural improvements, window and door changes, an interior remodel, new lighting, reconfiguration of the portico/promenade for improved accessibility, changes to the stoa (covered walkway), grading, landscaping including tree removal and relocation, a new equipment enclosure, an expanded trash enclosure, replacement of outdoor showers, accessibility-related parking lot improvements, conduit for future electric vehicle charging stations, new bike parking, a new approximately 125 foot long portable boardwalk to the beach, and the improvements described in the Applicant Letter dated May 6, 2015 and shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara. This approval includes the Applicant's proposed approach to construction timing, scheduling and management as described in the Applicant Letter and shown on the project plans.

2. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
4. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit and/or Coastal Development Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
5. **Recyclable Material Use and Collection for Restaurants.** Restaurant operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling containers. Recyclable material collection and pick-up areas shall be provided on-site for the restaurant operations. A minimum of 50 percent of the area devoted to holding trash for the project shall be used for recycling purposes.
6. **BMP Training.** Training on the implementation of Best Management Practices (BMPs) shall be provided to every employee by the restaurant management in order to prevent or reduce the discharge of pollutants to storm water from buildings and ground maintenance. The training shall include using good housekeeping practices, preventive maintenance and spill prevention and control at outdoor loading/ unloading areas in order to keep debris from entering the storm water collection system.
7. **Establish Beach Monitoring Program:** The Parks and Recreation Department shall monitor the beach width and gather beach profile data at multiple locations along East Beach in order to establish a database to evaluate changes to the shoreline. This monitoring is intended to assist in validation of numerical modeling results and support the development of a predictive model to understand what may happen during a large storm event. A persistent Mean Sea Level beach width of 150 feet (as measured over multiple seasons) may trigger the need for adaptive measures, as described in more detail in the Coastal Hazards/Sea Level Rise Vulnerability Assessment Report prepared by Moffatt and Nichol and dated January 2015.

8. **Establish a Fund or Funding Mechanism:** The Parks and Recreation Department shall establish funds or a funding mechanism in order to prepare for potential future Sea Level Rise adaptation investments or monitoring activities.
- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Historic Landmarks Commission (HLC). The HLC shall not grant project design approval until the following Planning Commission land use conditions have been satisfied.
1. **Tree Removal and Replacement.** All trees removed shall be replaced on-site on a one-for-one basis with minimum 15 gallon size tree(s) of an appropriate species or like species, in order to maintain the site's visual appearance and reduce impacts resulting from the loss of trees.
 2. **Tree Relocation.** The existing palm trees (31) identified for relocation on the Real Property shall be protected during construction. Refer to the Tree Report prepared by Bill Mellett, dated January 21, 2015 for additional details.
 3. **Tree Protection Measures.** The landscape plan shall include the following tree protection measures:
 - a. **Tree Protection.** All trees not indicated for removal on the approved landscape plan shall be preserved, protected, and maintained, in accordance with the Tree Report and/or any related Conditions of Approval. Include a note on the plans that the recommendations/conditions contained in the Tree Report prepared by Bill Mellett, dated January 21, 2015, shall be implemented and reproduce those recommendations on the plans.
 - b. **Landscaping Under Trees.** Landscaping under the tree(s) shall be compatible with the preservation of the tree(s), as determined by the HLC.
 4. **Screened Backflow Device.** The backflow devices for fire sprinklers, pools, spas and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building, as approved by the HLC.
 5. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.
- D. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Community Development Department prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the Community Development Department. Please note that these conditions are in addition to standard submittal requirements.
1. **Documentation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Written Conditions identified in condition B

“Written Conditions Document” to the Community Development Department prior to issuance of any building permits.

2. **Drainage and Water Quality.** The project is required to comply with Tier 3 of the Storm Water BMP Guidance Manual, pursuant to Santa Barbara Municipal Code Chapter 22.87 (treatment, rate and volume). The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will comply with the City’s Storm Water BMP Guidance Manual. Project plans for grading, drainage, stormwater facilities and treatment methods, and project development, shall be subject to review and approval by the City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no unpermitted construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants (including, but not limited to trash, hydrocarbons, fertilizers, bacteria, etc.), or groundwater pollutants would result from the project.
3. **Avoid California Grunion Habitat.** Consistent with the requirements for beach grooming activities, the temporary boardwalk shall be installed no closer than 10 feet landward of the wrack line or ordinary high tide line, whichever is furthest landward.
4. **Arborist’s Monitoring.** Submit to the Planning Division an executed contract with a qualified arborist for monitoring of all work within the critical root zone of all protected trees during construction. The contract shall include a schedule for the arborist's presence during grading and construction activities, and is subject to the review and approval of the Planning Division.
5. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
6. **Construction-Related Truck Trips.** Construction-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways.
7. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
8. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the appropriate design review board and as outlined in Section C “Design Review,” and all elements/specifications shall be implemented on-site.
9. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
Contractor	Date
Contractor	License No.
Architect	Date
Architect	License No.
Engineer	Date
Engineer	License No.

E. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Contact Sign.** Immediately after Building Permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), construction work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
2. **Vegetation Removal/Grubbing Timing.** Contractors shall comply with the Migratory Bird Treaty Act (MBTA). Due to the presence of habitat for MBTA species within and in the vicinity of the project site, any grubbing, mowing, and/or removal of surface vegetation, shall not be scheduled between February 15th and August 1st to avoid potential impacts on nesting. If work is conducted within nesting season biologists shall clear the site to ensure there are no nesting birds onsite.
3. **Biological Monitoring During Construction.** A qualified Project Biologist will be retained by the City Parks and Recreation Department for the duration of construction activities and will be on site during clearing and grubbing of vegetation or habitats that have the potential to support listed species, specifically the WSP and MBTA species. The Project Biologist will identify work areas, monitor work activity, and provide "tailgate" sessions for the construction contractor, and will oversee and execute the conservation protection measures pertaining to biological resources. The Project Biologist will have experience with threatened WSP and nesting birds.
4. **Avoid, Minimize, and Compensate for Disturbance to Beach Habitat.** The project shall be designed to avoid/minimize impacts by reducing disturbance footprints to beach habitat to the maximum extent practicable. In addition, staging areas and/or other temporary construction-related requirements shall be located within the laydown areas. Temporary perimeter fencing will be put up, especially on the beach side to minimize birds and wildlife access into the project area.

5. **Utilize Designated Areas for Parking, Driving, and General Construction Use.** Parking, driving, stockpiling, and storing vehicles and equipment shall be limited to existing roads and previously compacted and developed area. No off-road traveling is permitted outside the project boundary.
6. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be carefully salvaged and delivered to the City Corporation Annex Yard on Yanonali Street.
7. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
8. **Construction Parking.** During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Public Works Director.
9. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care should be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nests(s).
10. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño

Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

F. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
2. **Complete Public Improvements.** Public improvements, as shown in the public improvement plans or building plans, shall be completed.

G. **General Conditions.**

1. **Prior Conditions.** These conditions are in addition to the conditions identified in Planning Commission Resolutions 045-94 and 062-97.
2. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
3. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

III. **NOTICE OF MODIFICATION APPROVAL TIME LIMITS:**

The Planning Commission action approving the Modification shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §28.87.360, unless:

1. An extension is granted by the Community Development Director prior to the expiration of the approval; or

2. A Building permit for the use authorized by the approval is issued and the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.

IV. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

V. NOTICE OF TIME LIMITS FOR PROJECTS WITH MULTIPLE APPROVALS (SBMC §28.87.370):

If multiple discretionary applications are approved for the same project, the expiration date of all discretionary approvals shall correspond with the longest expiration date specified by any of the land use discretionary applications, unless such extension would conflict with state or federal law. The expiration date of all approvals shall be measured from date of the final action of the City on the longest discretionary land use approval related to the application, unless otherwise specified by state or federal law.

This motion was passed and adopted on the 20th day of August, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 0 ABSTAIN: 0 ABSENT: 2 (Jordan, Schwartz)

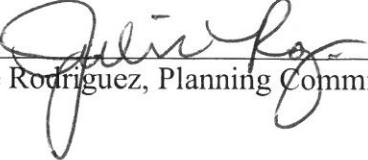
PLANNING COMMISSION RESOLUTION NO. 014-15

1118 E. CABRILLO BOULEVARD

AUGUST 20, 2015

PAGE 11

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary

9/3/15

Date

PLEASE BE ADVISED:

**THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL
WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE
PLANNING COMMISSION.**

